

In re Patent Application of:

JIANG ET AL

Serial No. 10/779,894

Filed: **FEBRUARY 17, 2004**

IN THE DRAWINGS:

Attached are new Figures 1 and 2, as explained in the accompanying remarks section.

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REMARKS

Prior to the present amendment, claims 1-18 were pending. As a result of the foregoing amendments to the claims, including the cancellation of 3, 10 and 11, and the addition of new claims 19-23, claims 1, 2, 4-9 and 12-23 are currently pending.

Of the original claims 1-18, claims 1, 2, 9, 10 and 14 have been rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,372,533 (Jayaraman et al). Claims 5 to 7 and 15 have been rejected under 35 U.S.C. 103(a) in view of Jayaraman et al. The drawings have been objected to under 37 CFR 1.85 as being informal. Claims 8 and 16 to 18 have been allowed, and claims 3, 4 and 11 to 13 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The rejected claims have been amended in an effort to overcome the outstanding rejections and to better define the invention in light of the prior art. In particular, independent claim 1 has been amended to include the limitations of objected to claim 3 (now cancelled), and independent claim 9 has been amended to include the limitations of claim 10 (now cancelled) and objected to claim 11 (now cancelled). Claim 9 has also been amended to associate respective alphabetical letters with the recited steps, and dependent claims 12-15 have been amended to be consistent with amended claim 9, upon which claims 12-15 depend. As a result of these amendments, it is respectfully

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submitted that amended claims 1, 2, 4-7, 9 and 12-15, in addition to claims 8 and 16-18, are allowable.

New claims 19 to 23 have been added to ensure patent coverage for all aspects of the invention. In particular, new independent claim 19 is identical to allowed claim 8 without defining the isolation trench. Original claims 4 and 13 define that the implant regions extends "at least into the active region"; new claims 20 to 23, dependent upon claim 19, define the implied structure in which the implant regions extend beyond the active region into the lower distributed Bragg reflector. It is believed that claims 19-23 are therefore allowable.

A new set of higher-quality formal drawings has been provided.


As a result of the foregoing amendments, it is respectfully submitted that claims 1, 2, 4-9 and 12-13 are in condition for allowance. Early and favorable consideration is respectfully requested.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

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Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: M/S AMENDMENT, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, on this 20 day of March, 2006.

